

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 03-_____
	:	
	:	
v.	:	DATE FILED: _____
	:	
	:	
BRIAN D'ALFONSO	:	VIOLATIONS:
	:	18 U.S.C. § 1341 (Mail fraud - 16 counts)
	:	15 U.S.C. §§ 77e(a), 77x (Sale of
		unregistered securities – 4 counts)

INDICTMENT

COUNTS ONE THROUGH SIXTEEN

THE GRAND JURY CHARGES THAT:

1. From on or about February 28, 1996 to on or about July 30, 1999, defendant BRIAN D'ALFONSO was an agent for First Montauk Securities (First Montauk), and conducted his business as an agent from an office located at 7940 Bustleton Avenue, Philadelphia, Pennsylvania.

At times material to this indictment:

2. Defendant BRIAN D'ALFONSO purported to operate a business called Tech-Vest, Inc. (Tech-Vest), located at 7928 Bustleton Avenue, Philadelphia, PA, and also used 7940 Bustleton Avenue, Philadelphia, Pennsylvania as Tech-Vest's business address.

3. Federal Express was in business as an interstate and commercial carrier.

THE SCHEME

4. From in or about May 1998 to in or about June 2000, defendant

BRIAN D'ALFONSO

devised and intended to devise a scheme to defraud investors and to obtain money and property by means of false and fraudulent pretenses, representations and promises.

It was part of the scheme that:

5. Defendant BRIAN D'ALFONSO encouraged his clients from his business as an agent for First Montauk to invest in Tech-Vest by promising them a false rate of return between 7% and 10% per year on their investments in Tech-Vest. D'ALFONSO also falsely told investors that:

- a. Tech-Vest was an on-line trading business;
- b. Tech-Vest was affiliated with First Montauk;
- c. their investment in Tech-Vest would be protected with insurance; and
- d. their principal payment would be returned whenever they requested it.

6. Defendant BRIAN D'ALFONSO failed to tell investors that:

- a. D'ALFONSO was the sole shareholder of Tech-Vest; and
- b. D'ALFONSO'S only business was the operation of a jewelry store and selling jewelry over the internet.

7. Defendant BRIAN D'ALFONSO illegally issued stock certificates to the investors to demonstrate that they owned stock in Tech-Vest. These stocks were neither registered nor exempt from registration in accordance with Pennsylvania and federal law.

8. Defendant BRIAN D'ALFONSO wrongly used the funds he obtained from the investors for his personal expenses.

9. To keep the scheme going and to avoid discovery of the fraud, defendant BRIAN D'ALFONSO used money obtained from later investors to make bogus "dividend" payments to

earlier investors. In total, D'ALFONSO defrauded 12 investors of approximately \$899,952.

10. Defendant BRIAN D'ALFONSO sent the investors stock certificates by United States mail. In addition, D'ALFONSO sent other documents and money paid during the course of the scheme by United States mail and Federal Express.

11. On or about the dates listed below, in the Eastern District of Pennsylvania and elsewhere, having devised and intending to devise the scheme, defendant

BRIAN D'ALFONSO,

for the purpose of executing the scheme and attempting to do so, knowingly caused to be delivered to the victim investors, by the United States postal service and Federal Express, an interstate carrier, various documents and bogus dividend payments, as described below.

COUNT	DATE	DOCUMENT	SENT TO
ONE	5/10/99	Stock Certificate	4734 Richmond St., Philadelphia, PA
TWO	6/15/99	Stock Certificate	2106 Robbins St., Philadelphia, PA
THREE	7/27/99	Stock Certificate	460 Bridge Rd., Rhans, PA
FOUR	9/1/99	Stock Certificate	48 Hampden Rd., Upper Darby, PA
FIVE	9/7/99	Dividend Check	4527 Brigantine Ave., Brigantine, NJ
SIX	10/1/99	Dividend Check	4527 Brigantine Ave., Brigantine, NJ
SEVEN	11/1/99	Dividend Check	4527 Brigantine Ave., Brigantine, NJ
EIGHT	12/99	Dividend Check	4527 Brigantine Ave., Brigantine, NJ
NINE	2/1/00	Account Statement	4527 Brigantine Ave., Brigantine, NJ
TEN	2/00	Dividend Check	4527 Brigantine Ave., Brigantine, NJ
ELEVEN	3/00	Dividend Check	4527 Brigantine Ave., Brigantine, NJ
TWELVE	4/1/00	Stock Certificate	4527 Brigantine Ave., Brigantine, NJ
THIRTEEN	5/3/00	Dividend Check	4734 Richmond St., Philadelphia, PA

FOURTEEN	7/25/00	Dividend Check	4527 Brigantine Ave., Brigantine, NJ
FIFTEEN	7/26/00	Promissory Note	4527 Brigantine Ave., Brigantine, NJ
SIXTEEN	8/7/00	Dividend Check	4734 Richmond St., Philadelphia, PA

All in violation of Title 18, United States Code, Section 1341.

COUNTS SEVENTEEN THROUGH TWENTY

THE GRAND JURY FURTHER CHARGES:

1. The allegations of paragraphs 1 through 3 and 5 through 10 of Counts One through Sixteen of this Indictment are realleged here.

2. On or about the dates listed shown below, in the Eastern District of Pennsylvania and elsewhere, defendant

BRIAN D'ALFONSO,

directly and indirectly, willfully caused Tech Vest, Inc. securities, as described below, to be carried through the mails for the purpose of delivery after the sale of such securities, where no registration statement was then in effect as to those Tech Vest, Inc. securities:

COUNT	DATE	BUYER	FROM	MAILED TO
Seventeen	5/10/99	C.K.	Philadelphia, PA	4734 Richmond St., Philadelphia, PA
Eighteen	6/15/99	E.B.	Philadelphia, PA	2106 Robbins St., Philadelphia, PA
Nineteen	9/1/99	P.A.	Philadelphia, PA	48 Hampden Rd., Upper Darby, PA
Twenty	4/1/00	A.M.	Philadelphia, PA	4527 Brigantine Ave., Brigantine, NJ

All in violation of Title 15, United States Code, Sections 77e(a)(2) and 77x.

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney